



## STATE OF MONTANA DEPARTMENT OF REVENUE JOB PROFILE

**Working Title**

Litigation Unit Management Officer/Paralegal

**Job Code Title**

Administrative Services Manager II

**Pay Band**

6b

**Job Code Number**

113116

**Director's Office**

Legal Services Office  
Litigation Unit

**Fair Labor Standards Act**

Non-Exempt

The Montana Department of Revenue administers more than 30 state taxes and fees; establishes values for taxable property, including agricultural land, residential real estate, commercial real estate, forest land, business equipment, railroads and public utilities; supervises the operation of the state liquor stores and agencies and administers the laws governing the sale, taxation, and licensing of alcoholic beverages; and returns unclaimed property to its rightful owners.

The Director's Office supports the agency's Director and is composed of five work units: Legal Services Office; Office of Tax Policy and Research; Office of Human Resources and Organizational Development; Office of Taxpayer Assistance; and the Executive Office. The Legal Services Office provides complete legal services to all divisions and the director's Office, representing the Department of Revenue and the State of Montana before administrative boards and in state and federal courts in all litigation involving Montana taxes and liquor laws. The office also handles all administrative rule, disclosure, and dispute resolution matters for the department. The Legal Services Office is comprised of the Litigation Unit, the Regulatory Unit, and the Office of Dispute Resolution.

**Job Responsibilities**

The Litigation Unit Management Officer/Paralegal manages the day-to-day activities of the Legal Services Office and coordinates or provides a range of office management and administrative support services. The incumbent also provides independent paralegal work involving statutory and case law research; rule and policy development; legal analysis and planning; pre-trial/hearing preparation; and participates in legal proceedings as member of a team that may consist of attorneys and other paralegals, expert witnesses, and clients. The position reports to the Chief Legal Counsel and supervises the paralegal staff.

- **Legal Investigations and Litigation Support 40%**

1. Researches, documents, and analyzes current trends in case law, federal and state statutes, and rules and regulations; ascertains the probable impacts on agency operations and programs; recommends legislative changes; and provides guidance on policy modifications.
2. Works with the attorney and participates in case strategy planning discussions. Reviews and analyzes each case. Identifies potential legal theories and fact evidence. Evaluates strategies for discovery, negotiation, settlement, and litigation based upon applicable theories of law and available remedies. Schedules order coordination. Plans discovery. Determines the appropriate information and evidence needed for depositions. Reviews and analyzes information gathered during depositions. Participates in on-going trial management, strategy, and planning discussions. Researches and locates evidence, documents, and witnesses. Writes investigative reports summarizing the evidence gathered to assist attorneys in case evaluation, pretrial preparation, and evidence presentation at trial.

3. Researches; compiles supporting documentation; and analyzes various sources of information such as federal and state statutes, court decisions, codes, rules, regulations, legislative histories, and other relevant public records through manual and electronic research methods. Prepares written memoranda that include a summary of facts; narrative description of the issues; the department's position; evidence lists; and relevant legal theories using industry standard acronyms, investigative report writing skills, and knowledge of legal standards regarding significant developments in the case.
4. Analyzes and evaluates legal pleadings, documents, and correspondence in complex judicial cases. Ensures all applicable statutory and court requirements are met. Analyzes federal and state Rules of Civil Procedure and judicial policies relative to the circumstances of cases.
5. Develops detailed case analyses and formulates case strategies and research plans for specific cases. Develops strategies for discovery, negotiation, settlement, and litigation based upon applicable theories of law and available remedies.
6. Summarizes research results including sources, findings, cross-references, citations, and other relevant components and compiles and composes appropriate legal documents. Provides legal memoranda to attorneys regarding facts, legal issues, applicable rules, analyses, and recommendations as requested.
7. Drafts legal pleadings, reports, discovery requests and answers, legal memoranda, interoffice memoranda, letters, and other documents for hearings or examinations. Ensures documents comply with formatting and style requirements. Ensures filing deadlines are met.
8. Drafts discovery documents such as interrogatories and requests for production by determining relevant information necessary to establish key facts and the questions that will elicit these facts. Responds to discovery requests by gathering requested documents. Identifies factual information from the case to provide knowledgeable and accurate responses. Confidential work products must be distinguished from discoverable information.
9. Responds to discovery requests. Identifies and gathers responsive documents and reviews them for confidential and privileged information. Prepares the documents for production including reviewing, organizing, Bates stamping, and producing in electronic and/or paper format. Privileged attorney-client communication and attorney work product must be distinguished from discoverable information, redacted from the production set, and the redactions must be appropriately disclosed on a privilege log.
10. Identifies and collects appropriate exhibits, witness statements, and other evidence required to implement case strategies. Evaluates the adequacy of the case file documentation, organizes the products of discovery, evaluates the impact on the agency's position, and compiles the information into trial notebooks. May consult with the attorney to determine whether the actions taken are defensible and warrant further action through the legal process.
11. Identifies, locates, and prepares expert and lay witnesses to provide testimony necessary to establish the facts of each case by reviewing exhibits and potential questions. Develops questions according to the facts to be proven and an analysis of the relevant legal theory.
12. Prepares for and attends court proceedings to assist attorney. Prepares for case presentation by checking opposing parties' cited authorities for accuracy and applicability and determining the basis of the department's response to ensure the attorneys have the necessary information to conduct their legal responsibilities.
13. Performs final proofreading of documents. Reviews all legal briefs being filed by the office for accuracy as to citation format, spelling, grammar, document format, and compliance with rules of Civil Procedure and Appellate Procedure. Analyzes and evaluates legal pleadings, documents, and correspondence in complex cases to ensure all applicable statutory and court requirements are met. This involves analysis of federal and state Rules of Civil Procedure and judicial policies relative to the circumstances of individual cases.
14. Collects Montana Supreme Court, Federal Court, and Circuit Court opinions and reviews them to determine relevancy to department's litigation and opinion needs.

- **Staff Leadership, Management, and Supervision 30%**

Incumbent is responsible for leading staff and managing the day-to-day activities of the unit. Responsibilities include monitoring the progress of work plans, goals, and objectives and aligning them with the department's goals and priorities. Supervision and development of staff is imperative to a manager's success.

Staff Leadership

1. Creates and maintains a high performance environment characterized by enthusiastic and positive leadership, direction, and a strong team orientation. Motivates employees to accomplish numerous division goals and objectives. Coordinates performance measures with staff. Encourages the development of new techniques or solutions to problems and assists with the resolution.
2. Readily adapts to changes in existing operations, programs, services, activities, and functions. Makes recommendations. Takes necessary action to implement or accommodate changes. Maintains a positive attitude in communication to staff even when difficult changes arise.
3. Maintains an atmosphere of safety within the unit. Ensures adequate training for all staff in proper lifting techniques, sensible ergonomic practices, and work-specific safety opportunities.
4. Makes and accepts responsibility for decisions necessary to carry out the unit's and legal services' mission.
5. Accepts direction and feedback from supervisors and follows through appropriately.

Management

1. Conducts strategic planning in coordination with the Chief Legal Counsel to develop and establish short and long-range plans. Participates in development of viable goals and objectives consistent with agency priorities.
2. Develops programs, policies, and procedures to assure the citizens of Montana that the department operates in accordance with the highest standard of integrity and ethics.
3. Evaluates state and national standards; new trends and technologies; unit needs; and other factors to integrate requirements and resources into program plans.
4. Establishes priorities, deadlines, and work plans for program activities. Evaluates workflow processes, efficiencies, and problems to identify the most effective use of staff and material resources to meet goals and objectives. Appropriately allocates resources to accomplish assigned work by coordinating with other work units and programs and adjusting subordinate assignments as needed. Considers pertinent factors such as available resources, staff ability, timelines, and work load. Identifies the need for additional staff or resources while maintaining fiscal responsibility.
5. Plans, schedules, and assigns special projects. Initiates adjustments to reflect changes in overall division and agency goals, operations, and relationships to departmental divisions.
6. Reviews and monitors progress through meetings and consultations. Conducts staff meetings, disseminates data, and promotes information exchange for support and advancement of department mission and goals. Uses input from the staff to guide program responsibilities.
7. Recommends program budgets for staff and equipment. Reviews allocations, project plans and objectives, and expenditures.
8. Identifies information needs and develops reports, information systems, spreadsheets, and other tracking methods to monitor program status, work progress, unit performance, and individual performance. Uses data to identify areas of concern, strengths, and weaknesses. Provides analysis and recommends solutions to department management to resolve problems. Oversees quality control of information and sources.
9. Prepares correspondence in response to requests or inquiries. Ensures that necessary reports, correspondence, documentation, administrative actions, files, and records are correctly prepared, completed, maintained, and processed in accordance with applicable guidelines and time frames. Ensures the unit follows department expectations regarding disclosure and employee confidentiality.

### Supervision

1. Recruits and hires employees. Interviews applicants and makes appropriate selection recommendations according to applicable laws, rules, policies, procedures, and guidelines. Ensures proper training and orientation of new employees.
2. Establishes criteria for acceptable work behavior and performance. Promotes workplace efficiency and productivity by educating, mentoring, coaching, and correcting employee behavior. Encourages exceptional performance and improvement in areas of individual weakness. Develops and monitors corrective actions.
3. Appropriately reviews, recommends, and initiates personnel actions according to applicable policies, procedures, and guidelines. Carefully considers options available. Works with Human Resources to take appropriate disciplinary action as needed. Enforces disciplinary policies.
4. Recognizes and promptly resolves internal and external issues. Mediates personnel issues in a very timely manner.
5. Completes employee performance reviews. Defines goals and required results at the beginning of the performance review period. Communicates on a very regular basis with staff on progress toward those goals and results.
6. Determines the training needs of staff through analysis of program effectiveness, new technology and policies, and staff performance. Ensures consistency in the application of training opportunities for all staff. Develops and enhances on-the-job training opportunities to ensure staff is provided the needed training to fulfill their job duties including cross-training opportunities. Provides necessary information and tools to staff to complete any new tasks and duties.
7. Communicates policy and procedures clearly and effectively in order to obtain desired results. Ensures staff adhere to rules, policies, and procedures.
8. Monitors and approves staff leave usage while ensuring adequate coverage is maintained.
9. Upholds and promotes the department's conviction to customer service throughout agency contacts as well as in communication with taxpayers. Staff is held accountable for providing the highest level of customer service to all those that they come into contact with.

### • **Office Management 25%**

1. Develops and establishes policies and procedures for paralegal functions. Ensures compliance with department policies, procedures, and requirements. Promotes quality, efficiency, and cost-effective operations and services. Identifies and resolve problems. Establishes and monitors methods, procedures, priorities for various administrative support projects and processes.
2. Analyzes and evaluates performance indicators (budgets, surveys, error logs, etc.) to ensure the overall effectiveness of office management and administrative support operations and services. Coordinates with program managers and staff, cooperators, and others to identify and resolve deficiencies; evaluate changing operational and service needs; and develop new approaches to operational and service delivery issues (budget adjustments, revised procedures, expanded services, etc.).
3. Coordinates and monitors contracts for equipment, materials, and services to ensure conformance with bids, specifications, warranties, and related terms and conditions. Assists in the development of Invitations for Bids or Requests for Proposals and related selection criteria. Coordinates review and selection. Monitors contract delivery. Tracks contract performance, expenditures, and outcomes to identify and resolve deficiencies.
4. Writes, transcribes, and edits statistical and narrative reports, spreadsheets, and other technical documents to provide accurate, complete, and accessible references (administrative rules, legislative materials, etc.). This typically involves the application of specialized word processing and spreadsheet functions (tables, columns, graphs, formulas, etc.), formats, and production specifications. Coordinates document reviews, revisions, and signatures; reproduction; and dissemination as requested.
5. Manages the ongoing development and maintenance of electronic and manual records systems to ensure the accuracy, accessibility, and security of information by compiling and storing

relevant data. Develops and establishes new database structures, queries, and reports as well as manual filing systems and procedures. Maintains data with current information. Conducts and oversees quality assurances. Responds to unusual or complex records requests. Coordinates and oversees records retention and disposal procedures to ensure compliance with applicable requirements.

- **Other Duties as Assigned 5%**

1. Performs other duties as assigned by the supervisor. This includes special assignments such as drafting legislative amendments during the legislative session.

### **Job Requirements**

To perform successfully as a management officer and paralegal, the incumbent must be self-motivated; possess a strong work ethic; maintain a positive attitude; and enjoy working with, and for, the public. Strong communication skills and the ability to communicate effectively and respectfully are required. The incumbent is required to analyze complex issues; identify others' underlying concerns and motives; deal with controversy and hostility in a professional and objective manner; establish effective relationships with others; and work effectively under pressure. Seasoned judgment in decision making is necessary since the work is performed with minimal guidance and within broad guidelines. It is essential that the incumbent has the ability to work independently but also as part of a team; maintain a high performance team, and make sound decisions and be accountable for them. The incumbent is expected to apply critical thinking skills; be a problem solver with the ability to identify and resolve tactical and strategic issues before they become problematic; resolve operational issues; elevate matters as necessary; recommend solutions; and effectively implement division changes and management directives. This position works with highly confidential financial and tax information and is required to maintain the highest level of confidentiality regarding all information acquired or used in performing this job.

This position requires professional knowledge of Federal Rules of Civil Procedure, Montana Rules of Civil Procedure, administrative and court rules; legal and technical research standards and procedures using a wide range of internal, external, online, and printed sources; and codes for the federal, state, and administrative court systems. This position requires knowledge of general management practices including strategic planning; principles and methods of work planning; performance management including setting goals, objectives, and measures; operational and program planning; quality assurance methods; organizational development; project management; and governmental organizational structure, accounting, and budgeting. The work also requires knowledge of computers and database management including state and department information systems (GenTax, ORION, SABHRS); data collection, analysis, and reporting techniques; contract solicitation and monitoring; structures, functions, and protocols associated with formal boards and committees; compliance requirements and practices; customer service standards; business communications; records management; state and federal funding requirements; agency policies, procedures, and guidelines; supervisory principles and practices; department and state personnel policies, procedures, and precedents; and employment law.

- The minimum level of education and job-related work experience needed as a new employee **on the first day** of work is a two-year degree in paralegal studies and five years of job-related work experience including one year of supervision and/or management.
  - Work experience should include a minimum of four years of legal research, investigation, and litigation support experience including one year of specialized experience.
  - Other combinations of education and experience will be evaluated on an individual basis.

### **Department Core Values**

- **Respect:** As a representative of the people of Montana, proceeds with the highest level of respect for the dignity of every person contacted through work. Without exception, all people are treated as equally as possible. The employee is a faithful steward of the resources provided to this agency by the citizens of Montana.

- **Integrity:** Conducts work honestly and makes decisions that establish a clear record that the department serves the public with integrity. Apologizes for mistakes and gives credit to others for their cooperation, work, and ideas in achieving positive results. Accountable for their actions and holds others accountable for theirs. Decisions and judgments achieve equity and justice for all parties involved including citizens and co-workers.
- **Productivity:** Consistently strives to minimize the waste of the department's financial, facilities, and human resources. Diligently works to improve the productivity and effectiveness of the work unit. Welcomes and encourages new ideas on improving the results of the department from the public, other officials, colleagues, and supervisors. Approaches work in a manner that builds goodwill, trust, and cooperation internally with other staff and externally with the public.
- **Teamwork:** Maximizes cooperation and teamwork when working with other employees, divisions, and other state agencies. Willing to work with others for the opportunity to learn from their ideas, talents, and knowledge. Seeks to resolve conflicts with other employees and work units in an open and respectful manner that reinforces teamwork. Celebrates the successes of others.

### **Working Conditions**

This position has considerable mental stress and pressure due to supervisory issues; workload; conflicting, multiple priorities; critical projects with hard deadlines; time constraints; significance of decisions made; the challenging nature of contacts with taxpayers, elected officials, etc.; and coordination of all functions of the unit. At times, the incumbent will deal with angry, hostile, and difficult individuals to resolve concerns or to bring about compliance with regulations. This may cause stressful work conditions and a high degree of mental stress. As a Department of Revenue employee, the incumbent may come into contact with highly confidential financial and tax information and is required to maintain the highest level of confidentiality regarding all information acquired or used in performing this job. Work hours may exceed 40 hours per week from time to time. May involve minimal travel some which will be out-of-state therefore a valid Montana driver's license is required. This position requires considerable computer and keyboard use. The incumbent may spend considerable time on the phone. Lifting is infrequent, less than 15 pounds and includes carrying light items such as papers and books. This job requires regular attendance as scheduled by the supervisor. This job cannot be performed at an alternate work site.

### **Special requirements**

- **Background Examination:** Applicants for this position will be subject to a criminal background review before being considered for employment. Individual circumstances involving a criminal conviction will be reviewed to determine an applicant's eligibility for employment.
- **Compliance with All Appropriate Montana Tax Laws:** An employee's tax status must be current.

**This job profile was produced by the Office of Human Resources in conjunction with the appropriate managers.**

**Division Administrator Review:** The statements in this job profile are accurate and complete.

Signature: C.A. Daw, Chief Legal Counsel Date: August 2010

**Human Resource Director Review:** The Office of Human Resources has reviewed this job profile.

Signature: JeanAnn Scheuer, Human Resources Director Date: August 2010

**Employee:** My signature below indicates I have read this job profile and discussed it with my supervisor.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (print): \_\_\_\_\_